IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

COMPANY APPLICATION NO.1132 OF 2006
IN
COMPANY APPLICATION NO.25 OF 1988
IN
COMPANY PETITION NO.334 OF 1979

Hamid A. Moochhala ..Applicant.
Vs.
The Official Liquidator and
Liquidator of M/s. Enamelled
Wires Limited (in Liquidation) ..Respondent.

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Mr. Denzil Arambhan with Mr. Virag Tulzapurkar i/b S. Mohamedbhai & Co. for the Applicant.
Ms. K.V. Gautam, Dy. Official Liquidator present.

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CORAM: **DR. D.Y. CHANDRACHUD, J.**

13th April, 2007.

P.C. :

The Company Application seeks recall of an order dated 28th April, 2005 passed in Company Application No.25 of 1988. The Company Application was a proceeding under Section 543 of the Companies Act, 1956. The Applicant was arrayed as Respondent No.20 to the Company Application. From a copy of the daily board annexed at Exh. G to the application it would appear that Company

Application 25 of 1988 was listed at Sr. No.82. Neither the name of the company nor for that matter the name of the advocates appear against Company Application 25 of 1998. Save and except for the number of the Company Application, all other particulars are blank. The Applicant therefore had a valid and justifiable reason for his absence. Since it would appear from the record that the Applicant had no notice of the hearing of the listing of the application on the daily board, the delay in presenting the application has been satisfactorily explained. The Company Application is accordingly made absolute in terms of prayer clauses (a) and (b) as against the Applicant.